

Attorney's Docket No. 1543.004 (5784-81)**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Whitehouse  
Appl. No.: 09/385,114  
Filed: August 27, 1999  
For: ANGIOGENICALLY EFFECTIVE UNIT DOSE OF FGF-2  
AND METHOD OF USE

Confirmation No.: None assigned  
Group Art Unit: 1653  
Examiner: H. Robinson

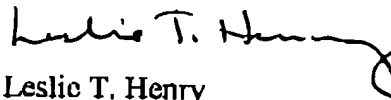
Commissioner for Patents  
Washington, DC 20231

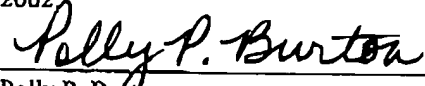
**SUBMISSION OF TERMINAL DISCLAIMER  
UNDER 37 C.F.R. § 1.321(c)**

Sir:

Applicant hereby submits the enclosed Terminal Disclaimer Under 37 C.F.R. § 1.321 for the above referenced application. Please charge Deposit Account No. 16-0605 in the amount of \$110.00 to cover the large entity fee for filing a Terminal Disclaimer. The Examiner is also authorized to charge Deposit Account No. 16-0605 for any additional fee that may be required or credit any overpayment.

Respectfully submitted,

  
Leslie T. Henry  
Registration No. 45,714

<b>CUSTOMER NO. 00826</b> <b>ALSTON &amp; BIRD LLP</b> Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000 Tel Raleigh Office (919) 862-2200 Fax Raleigh Office (919) 862-2260	<b>CERTIFICATION OF FACSIMILE TRANSMISSION</b>  I hereby certify that this paper is being facsimile transmitted to Examiner Hope Robinson at the United States Patent and Trademark Office at Fax No. (703) 308-4242 on January 31, 2002.  Polly P. Burton
--	--



1-31-02

Attorney's Docket No. 1543.004 (5784-81)

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Whitehouse  
Appl. No.: 09/385,114  
Filed: August 27, 1999  
For: ANGIOGENICALLY EFFECTIVE UNIT DOSE OF FGF-2  
AND METHOD OF USE

Confirmation No.: None assigned  
Group Art Unit: 1653  
Examiner H. Robinson

#  
24

Commissioner for Patents  
Washington, DC 20231

## TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321(c)

Sir:

I, Leslie T. Henry, am an agent of record of the disclaimant, CHIRON CORPORATION, and am authorized to execute this disclaimer on behalf of CHIRON CORPORATION. The disclaimant, CHIRON CORPORATION, having a principal place of business at 4560 Horton Street, Emeryville, CA 94608, is the owner of all right, title, and interest in the above-identified application, by Assignment filed November 29, 1999, and recorded December 2, 1999, at Reel 010434, Frame 0858.

The disclaimant hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of the patent issuing from United States Application Serial No. 09/417,721, entitled *ANGIOGENICALLY EFFECTIVE UNIT DOSE OF FGF AND METHOD OF ADMINISTERING*, in which a Notice of Allowability was mailed on January 11, 2002, which issuing patent was assigned to the above-identified disclaimant by an Assignment recorded October 26, 2000, at Reel 011209, Frame 0059.

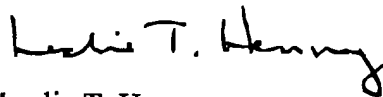
Disclaimant further agrees that any patent so granted on the above-identified application, which is the subject of this disclaimer, shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the aforementioned patent issuing from United States Application Serial No. 09/417,721, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

In re: Whitehouse  
Appl. No.: 09/385,114  
Filing Date: August 27, 1999  
Page 2

---

Nothing herein shall be construed as a disclaimer of any terminal part of any patent granted on the above-identified application which is prior to the expiration of the full statutory term of the aforementioned patent issuing from United States Application Serial No. 09/417,721, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Respectfully submitted,



Leslie T. Henry  
Registration No. 45,714

Date: January 31, 2002

Customer No. 00826  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Raleigh Office (919) 862-2200  
Fax Raleigh Office (919) 862-2260

RTA01/2111035v1